

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

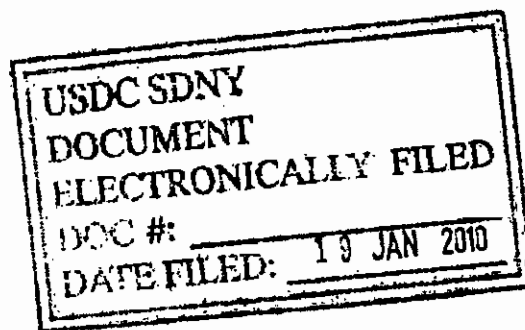
DOMINIC CHARLEMAGNE,

Petitioner,

-v-

DHS/ICE,

Respondent.



No. 09 Civ. 8669 (LTS)(AJP)

LAURA TAYLOR SWAIN, United States District Judge

ORDER ADOPTING REPORT & RECOMMENDATION

The Court has reviewed Magistrate Judge Peck's December 7, 2009, Recommendation (the "Recommendation") that petitioner Dominic Charlemagne's petition seeking release from the custody of Immigration and Customs Enforcement be denied as moot. No objections to the Report have been received.

In reviewing a Magistrate Judge's recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A. § 636(b)(1)(C) (West 2006). "In a case such as this one, where no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Johnson v. New York University School of Education, No. 00 Civ. 8117 (WK), at *1, 2003 WL 21433443 (S.D.N.Y. June 16, 2003).

Copies mailed/faxed to
Chambers of Judge Swain


All parties

1-19-10

The Court has reviewed carefully Magistrate Judge Peck's Recommendation and finds no clear error. The Court therefore adopts the Recommendation in its entirety for the reasons stated in the Government's December 7, 2009, letter and Judge Peck's memo endorsement. Accordingly, the petition is dismissed as moot.

SO ORDERED.

Dated: New York, New York
January 14, 2010



LAURA TAYLOR SWAIN
United States District Judge